

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** May 5, 2009  
**POSITION:** Oppose

**BILL NUMBER:** SB 625  
**AUTHOR:** R. Wright

### **BILL SUMMARY:** Crimes: Bail: Release on Own Recognizance

This bill would require a court to consider various factors in determining whether or not to grant bail for a defendant. The bill also would require sheriffs to make all reasonable efforts to determine whether a warrant has been lodged against a person before releasing that person on his or her own recognizance.

### **FISCAL SUMMARY**

The Administrative Office of the Courts (AOC) reports no fiscal impact as a result of this bill. Finance notes that the requirements on sheriffs would create a potentially reimbursable mandate, which could lead to General Fund costs. Although the Legislative Counsel has noted that the increased jail stays due to bail denials could be a mandate, Finance does not believe that this would constitute a reimbursable mandate situation.

### **COMMENTS**

The Department of Finance is opposed to this measure because by creating a potential reimbursable state-mandated local program, it would result in General Fund costs that are not included in the Administration's current fiscal plan. Requiring sheriffs to make a higher level of effort in determining whether warrants exist for a person could lead to counties seeking reimbursement for such efforts.

Additionally, the bill creates the possibility of additional county jail time for defendants, which Legislative Counsel has coded as a mandate. Finance does not believe that this change in court considerations would result in a mandate.

This bill would require a court to consider various factors in determining whether or not to grant bail for a defendant. Those factors include: the defendant's record of appearance at past court hearings or of flight to avoid prosecution, the maximum potential sentence that could be imposed, and the ties of the defendant to the community.

The bill also would require sheriffs to make all reasonable efforts to determine whether a warrant has been lodged against a person before releasing that person on his or her own recognizance.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
0250/Jud Branch	SO	No	-----	No/Minor Fiscal Impact -----				0001	
8885/Comm St Mndt	LA	No	-----	See Fiscal Summary -----				0001	

Analyst/Principal (0211) J. Osborn	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)